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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,351	02/06/2004	Douglas F. Reynolds	1033-LB1011	5256
34456	7590	09/07/2005	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/774,351	Applicant(s) REYNOLDS ET AL.
	Examiner	Art Unit
	Gerald Gauthier	2645

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 February 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-32 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 06 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

**DETAILED ACTION**

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1-32** are rejected under 35 U.S.C. 102(e) as being anticipated by Henderson (US 2005/0031106 A1).

Regarding **claim(s) 1**, Henderson discloses a call indication method (FIG. 1 and paragraph 0001) comprising:

recognizing a request to complete a voice over Internet protocol (VoIP) call to a called party (FIG. 2 and paragraph 0033);

receiving custom ring information from a calling party of the VOIP call, the custom ring information representing a desired ring tone to be played to the called party (FIG. 2 and paragraph 0036); and

initiating delivery of the custom ring information to the called party (FIG. 5 and paragraph 0052).

Regarding **claim(s) 2**, Henderson discloses a call indication method, further comprising utilizing a Public Switched Telephone Network node to perform at least one of the recognizing step, the receiving step, and the initiating step (FIG. 2 and paragraph 0033).

Regarding **claim(s) 3**, Henderson discloses a call indication method, further comprising recognizing that a piece of customer premises equipment associated with the called party comprises specialized ring tone functionality operable to output the desired ring tone (FIG. 2 and paragraph 0036).

Regarding **claim(s) 4**, Henderson discloses a call indication method, further comprising delivering at least a portion of the custom ring information in VoIP packets (FIG. 2 and paragraph 0033).

Regarding **claim(s) 5**, Henderson discloses a call indication method, further comprising delivering the custom ring information across a wireline connection comprising a link of coaxial cable operable to carry data traffic (FIG. 2 and paragraph 0033).

Regarding **claim(s) 6**, Henderson discloses a call indication method, wherein a VOIP switch initiates delivery of the custom ring information to the called party (FIG. 2 and paragraph 0036).

Regarding **claim(s) 7**, Henderson discloses a call indication method, further comprising: prompting the calling party to communicate the custom ring information (FIG. 2 and paragraph 0036); and recording the custom ring information (FIG. 2 and paragraph 0036).

Regarding **claim(s) 8**, Henderson discloses a call indication method, further comprising utilizing a piece of calling party CPE to perform at least one of the recognizing step, the receiving step, and the initiating step (FIG. 2 and paragraph 0031).

Regarding **claim(s) 9 and 28**, Henderson discloses a call indication method, wherein at least a portion of the custom ring information has a file format selected from the group consisting of a .WAV file, a .MIDI file, and a .AU file (FIG. 2 and paragraph 0036).

Regarding **claim(s) 10**, Henderson discloses a call indication method, wherein at least a portion of the custom ring information represents a spoken message (FIG. 2 and paragraph 0031).

Regarding **claim(s) 11**, Henderson discloses a call indication method, wherein recognizing the request to complete the VOIP call occurs after receiving the custom ring information (FIG. 5 and paragraph 0051).

Regarding **claim(s) 12**, Henderson discloses a call indication method, further comprising storing the custom ring information in a memory residing in a piece of calling party customer premises equipment (FIG. 2 and paragraph 0032).

Regarding **claim(s) 13**, Henderson discloses a call indication method, further comprising storing the custom ring information in a memory located within a service provider network (FIG. 2 and paragraph 0032).

Regarding **claim(s) 14**, Henderson discloses a call indication method, further comprising: recognizing caller identification information of the calling party (FIG. 2 and paragraph 0032); and

finding a location in the memory that is storing the custom ring information (FIG. 2 and paragraph 0035).

Regarding **claim(s) 15**, Henderson discloses a call indication method, further comprising: recognizing another request to complete a second VOIP call to a second called party (FIG. 2 and paragraph 0033); and

determining that a second called party does not want to receive the custom ring information (FIG. 5 and paragraph 0051).

Regarding **claim(s) 16**, Henderson discloses a call indication method, further comprising blocking delivery of the custom ring information to the second called party (FIG. 2 and paragraph 0036).

Regarding **claim(s) 17**, Sloo discloses a call indication method, further comprising: receiving Caller Identification information associated with the second VOIP call (FIG. 2 and paragraph 0032); and

using the Caller Identification information to determine that the second called party does not want to receive the custom ring information (FIG. 2 and paragraph 0051).

Regarding **claim(s) 18**, Henderson discloses a ring tone delivery system (FIG. 1 and paragraph 0001), comprising:

an interface operable to receive a calling signal that indicates a request to complete a call from a calling party to a called party (FIG. 1 and paragraph 0033); and a network node communicatively coupled to the interface and operable to deliver packetized information representing a calling party selected ring tone to the called party (FIG. 5 and paragraph 0052).

Regarding **claim(s) 19**, Henderson discloses a ring tone delivery system, wherein the network node comprises a VOIP switch operable to communicatively couple to a plurality of subscribers across links comprising twisted pair wiring (FIG. 2 and paragraph 0033).

Regarding **claim(s) 20**, Henderson discloses a ring tone delivery system, further comprising a memory maintaining information indicating that the called party has a piece of telephonic equipment capable of outputting the calling party selected ring tone, wherein the piece of telephonic equipment is selected from a group consisting of a computer, a telephone communicatively coupled to a twisted pair network, a cordless telephone, a VOIP telephone, a cellular telephone, a fixed wireless telephone, and an 802.1 1(x) telephone (FIG. 2 and paragraph 0033).

Regarding **claim(s) 21**, Henderson discloses a ring tone delivery system, wherein the network node is further operable to deliver packetized information across a cable network (FIG. 2 and paragraph 0033).

Regarding **claim(s) 22**, Henderson discloses a ring tone delivery system, wherein the network node is further operable to deliver packetized information across an XDSL network (FIG. 2 and paragraph 0033).

Regarding **claim(s) 23**, Henderson discloses a ring tone delivery system, further comprising a custom ring tone block list indicating that a second called party does not want to receive the calling party selected ring tone (FIG. 5 and paragraph 0051).

Regarding **claim(s) 24**, Henderson discloses a ring tone delivery system, further comprising a broadband modem providing at least a portion of a link communicatively coupling the network node to a piece of telephonic equipment associated with the called party (FIG. 5 and paragraph 0051).

Regarding **claim(s) 25**, Sloo discloses a ring tone delivery system, further comprising a memory maintaining information indicating an additional communication address for the called party, the additional communication address selected from the group consisting of an electronic mail address, a Plain Old Telephony Service telephone number, an Instant Messaging address, a Short Messaging Service address, an Enhanced Messaging Service address, a Multimedia Messaging Service address, and a wireless telephone number (FIG. 2 and paragraph 0033).

Regarding **claim(s) 26**, Henderson discloses a system for facilitating a select ring tone in connection with a call (FIG. 1 and paragraph 0001), comprising:

an electronic device operable to support telephonic communication, the electronic device comprising a housing component (FIG. 2 and paragraph 0031);  
a memory located within an enclosure at least partially formed by the housing component, the memory storing ring tone information representing the select ring tone (FIG. 2 and paragraph 0032);

a user interface for the electronic device operable to receive a user input indicating a desire to place a call to a called party (FIG. 2 and paragraph 0033); and

an output engine operable to initiate communication of the ring tone information to the called party such that a telephonic device of the called party outputs the select ring tone to indicate the call (FIG. 2 and paragraph 0035 and 0052).

Regarding **claim(s) 27**, Henderson discloses a system, wherein the electronic device comprises a computer (FIG. 1 and paragraph 0018).

Regarding **claim(s) 29**, Henderson discloses a system, wherein the memory stores additional ring tone information representing a second select ring tone, further wherein the select ring tone is associated with the called party and the second select ring tone is associated with a different party (FIG. 2 and paragraph 0032).

Regarding **claim(s) 30**, Henderson discloses a system, further comprising an electronic address book comprising a listing for the called party and a second listing for the second party (FIG. 1 and paragraph 0032).

Regarding **claim(s) 31**, Henderson discloses a computer-readable medium having computer-readable data to maintain information representing a calling party selected ring tone, to recognize an event trigger signaling a request to place a VOIP call from the calling party to a called party, to initiate completion of the VOIP call, and to direct delivery of the information to a telephonic device of the called party in a format

that allows the telephonic device to output the calling party selected ring tone as an indication of an incoming call (FIG. 1 and paragraph 0029).

Regarding **claim(s) 32**, Henderson discloses a computer-readable medium having additional computer-readable data to determine if the called party desires delivery of the information (FIG. 5 and paragraph 0051).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**GERALD GAUTHIER**  
**PATENT EXAMINER**

g.g.  
September 4, 2005

Gerald Gauthier  
Examiner  
Art Unit 2645